

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LINDA EAGLE,

Plaintiff,

v.

SANDI MORGAN, HAITHAM SAEAD,
JOSEPH MELLACI, ELIZABETH
SWEENEY, LISA ARNSPERGER,
QAMAR ZAMAN, and EDCOMM, INC.,

Defendants.

CIVIL ACTION

NO. 11-4303

FILED

OCT - 4 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 4th day of *October*, 2012, upon consideration of Defendant Edcomm, Inc.'s Motion for Summary Judgment (Docket No. 52), Plaintiff Linda Eagle's Response (Docket No. 55), and Defendant Edcomm's Reply Brief (Docket No. 58), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion for Summary Judgment as to Plaintiff's claims under the Computer Fraud and Abuse Act (Counts I and II) and the Lanham Act (Count III) is **GRANTED. JUDGMENT IS ENTERED** in favor of Defendant Edcomm, Inc. and against Plaintiff on these claims.
2. Defendant's Motion for Summary Judgment as to Plaintiff's remaining state law claims is **DENIED**.

It is **FURTHER ORDERED** that Counts I, II, VI, VII, and VIII of Defendant Edcomm's Counterclaim Complaint are **DISMISSED WITH PREJUDICE** in light of Edcomm's failure to

amend these claims within the time set forth in the Court's December 22, 2011 Order.¹

It is so **ORDERED**.

BY THE COURT:


RONALD L. BUCKWALTER, S.J.

¹ Via Memorandum and Order dated December 22, 2011, the Court dismissed Counts I, II, VI, VII, and VIII of the Counterclaim Complaint without prejudice under Federal Rule of Civil Procedure 12(c), and allowed Edcomm a period of twenty days to submit an Amended Complaint setting forth sufficient factual allegations to properly support the deficient counterclaims. The Court further stated that, "[i]f an amendment is not forthcoming within that time or if Defendant expresses its desire to stand on its current Counterclaim Complaint, an order of dismissal on the deficient counts will be appropriate at that time." Eagle v. Morgan, No. Civ.A.11-4304, 2011 WL 6739448, at *18 (E.D. Pa. Dec. 22, 2011). To date, no Amended Counterclaim Complaint has been filed by Edcomm. Accordingly, the Court now dismisses these claims with prejudice.